

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 95 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
29/12/2004 in WP NO : 24486 OF 2004 on the file of the High Court.)

Between:

Korlagunta Babu, S/o. Anjaneyulu,
Polepalli Gram Panchayat, Polepalli (V), Khammam Rural Mandal, Khammam
District.

..... APPELLANT

AND

- 1 The District Collector, Khammam.
- 2 The Revenue Divisional Officer, Khammam.
- 3 The Mandal Revenue Officer, Khammam Rural Mandal, Khammam District.

.....RESPONDENT(S)

Counsel for the Appellant:MR.KOWTURU VINAYA KUMAR

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court made the following Oral Judgment: (per Sri Devinder Gupta, CJ)

Challenge by the appellant is to the order passed by the learned single judge dismissing the writ petition on the ground that since the appellant-writ petitioner is not a beneficiary, he cannot question the allotment of house site pattas and reserved liberty to the appellant, if there is any irregularity in implementation of the land Distribution Scheme, to approach the appropriate authority or forum and not this Court.

As a matter of fact, this was a petition filed as Public Interest Litigation and it ought not to have been listed before the learned single judge as per the Roster. Appellant is a ward member of Polepalli Gram Panchayat, Khammam Rural Mandal, Khammam District. In the writ petition, he has highlighted the alleged irregularities, which according to him had occurred while distribution of house site pattas by the 3rd respondent in respect of land admeasuring Ac.17.23 cents in Survey Nos. 125 and 128 located in Polepalli Village. It is stated that the object of the scheme was to distribute the Government land in favour of Scheduled Castes, Scheduled Tribes, Backward Class and other Economically Backward Class People and according to him about 400 pattas have already been issued and out of them 50% of the pattas were issued to the outsiders ignoring local people. Though, in the representation, no details were furnished, but in para-6 of the affidavit filed in support of the writ petition, names of eight persons were disclosed by the appellant who were not eligible for grant of pattas, for one reason or the other. In such a case, when the complaint was by a public spirited person bringing to the notice of the Court some illegalities alleged to have been committed while implementing the welfare measure, the writ petition ought not to have been thrown out on mere technicalities.

We allow the writ appeal and set aside the impugned order and allow the writ petition filed by the appellant with direction to the 1st respondent that in case within 30 days from today, a comprehensive representation is filed by the appellant disclosing the names of the persons not eligible for grant of house site pattas or particulars of the land for which house site patta is allotted, such representation will be duly examined by the concerned Collector of Khammam District after conducting enquiry as he may deem fit and proper, and, in case, ultimately it is found that some persons were not eligible for grant of pattas which were issued, it will be for him to

initiate appropriate proceedings for cancellation of the pattas so issued. This entire exercise will be completed by the Collector within a period of three months from the date of receipt of representation from the appellant. No costs.

DEVINDER GUPTA, CJ

Date: 1st February, 2005

M. NARAYANA REDDY, J

Pnb

To

- 1 The District Collector, Khammam.
- 2 The Revenue Divisional Officer, Khammam.
- 3 The Mandal Revenue Officer, Khammam Rural Mandal, Khammam

District.

4 Two C.Cs. to the Government Pleader for Revenue, High Court

Buildings, Hyderabad. (OUT)

5 Two C.D. copies